

LEGISLATURE OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 89

Introduced by Wickersham, 49; Bromm, 23

Read first time January 4, 2001

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to telecommunications; to amend section
2 86-1401, Reissue Revised Statutes of Nebraska, and
3 section 86-1405, Revised Statutes Supplement, 2000; to
4 establish an application process for the installation and
5 delivery of broadband and advanced telecommunications
6 infrastructure and services; to provide duties for the
7 Public Service Commission; to harmonize provisions; and
8 to repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Beginning on January 1, 2002, a portion of
2 the fund as determined pursuant to section 86-1409 may be used to
3 provide financial assistance to install and deliver broadband or
4 other advanced telecommunications infrastructure service throughout
5 the state. The commission shall establish an application process
6 through which any municipality or county in the state may apply to
7 receive assistance to obtain a provider for such services in an
8 exchange or other area defined by the county or municipality where
9 telecommunications services are to be delivered at rates of service
10 agreed upon between the provider and municipality or county. The
11 application shall state the projected cost, identify the service
12 provider, describe the process for selection of the service
13 provider, list terms and considerations of any agreement between
14 the applicant and the service provider, and include other
15 information as required by the commission. The commission shall
16 not provide assistance unless (1) the service provider is an
17 eligible telecommunications company designated by the commission
18 pursuant to 47 U.S.C. 214(e) and has been selected through a
19 competitive mechanism and (2) the applicant can provide matching
20 funds of at least twenty-five percent of the total projected cost.
21 The commission shall establish a system to prioritize applications.
22 Highest priority shall be given to applicants based on high-cost
23 factors, including population scarcity and location remoteness.
24 Other factors, including financial need, may be considered by the
25 commission as deemed necessary and as consistent with the purposes
26 of the Nebraska Telecommunications Universal Service Fund Act. No
27 more than one percent of the fund may be used for the purposes set
28 forth in this section in any fiscal year. Funds committed for

1 future use are deemed to be used in the year committed. Any
2 assistance provided to applicants pursuant to this section shall be
3 used solely for the purpose of supporting broadband or advanced
4 telecommunications infrastructure and services. Nothing in this
5 section shall be construed to restrict any other use of the fund to
6 provide broadband or advanced telecommunications service.

7 Sec. 2. Section 86-1401, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 86-1401. Sections 86-1401 to 86-1410 and section 1 of
10 this act shall be known and may be cited as the Nebraska
11 Telecommunications Universal Service Fund Act.

12 Sec. 3. Section 86-1405, Revised Statutes Supplement,
13 2000, is amended to read:

14 86-1405. (1) The Nebraska Telecommunications Universal
15 Service Fund is hereby created. The fund shall provide the
16 assistance necessary to make universal access to telecommunications
17 services available to all persons in the state and to promote the
18 installation and delivery of broadband or advanced
19 telecommunications infrastructure and services consistent with the
20 policies set forth in the Nebraska Telecommunications Universal
21 Service Fund Act. Only eligible telecommunications companies
22 designated by the commission shall be eligible to receive support
23 to serve high-cost areas from the fund. A telecommunications
24 company that receives such support shall use that support only for
25 the provision, maintenance, and upgrading of facilities and
26 services for which the support is intended. Any such support
27 should be explicit and sufficient to achieve the purpose of the
28 Nebraska Telecommunications Universal Service Fund Act. The

1 commission shall have authority and power to issue orders carrying
2 out its responsibilities and to review the compliance of any
3 eligible telecommunications company receiving support for continued
4 compliance with any such orders and may withhold all or a portion
5 of the funds to be distributed from any telecommunications company
6 failing to continue compliance with its orders. Any money in the
7 fund available for investment shall be invested by the state
8 investment officer pursuant to the Nebraska Capital Expansion Act
9 and the Nebraska State Funds Investment Act.

10 (2) The commission may administratively fine pursuant to
11 section 75-156 any person who violates the Nebraska
12 Telecommunications Universal Service Fund Act.

13 Sec. 4. Original section 86-1401, Reissue Revised
14 Statutes of Nebraska, and section 86-1405, Revised Statutes
15 Supplement, 2000, are repealed.